UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUAN F., by and through his next friends Brian Lynch and Isabel Romero, on behalf of themseives and all others similarly situated, *et al.*,	:	Civil H-89-859 AHN
Plaintiffs,	:	June 25, 1993
v.	:	
WILLIAM O'NEILL, *et al.*,	:	915 Lafayette Boulevard
Defendants.	:	Bridgeport, Connecticut

BEFORE:

THE HONORABLE ALAN H. NEVAS, U.S.D.J.

APPEARANCES:

FOR THE PLAINTIFFS:

MARTHA STONE, ESQ.
SHELLEY GEBALLE, ESQ.
Connecticut Civil Liberties Union Foundation
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Hartford, Connecticut 06106

FOR THE DEFENDANTS:

SUSAN T. PEARLMAN, ESQ.
JAMES P. WELSH, ESQ.
Assistant Attorney General
MacKenzie Hall
110 Sherman Street
Hartford, Connecticut 06105

THE COURT MONITOR:

DAVID J. SULLIVAN, JR.
DCYS Monitoring Panel
746 Chapel Street
New Haven, Connecticut 06510

Susan E. Catucci, RPR-CM
Official Court Reporter

MS. PEARLMAN: It has, Your Honor. We have a class of applicants that will be hired as of July 23 -- 23rd that will have at least 35 -- that's a large class for the training academy, Your Honor. They have to be done in groups. It's like a group comes in, goes through training and it's a phased-in process. They cannot all be hired at the same time. I don't think there is anyone here who will dispute the fact that the Department cannot be July 1st hire 145 staff.

MR SULLIVAN: Your Honor, I would dispute that. I don't want to become an advocate in this situation, I've been trying to be impartial, but all that Attorney Pearlman has just said in the last five minutes is totally contrary to what has been reported to me by the Department. The Department has assured me that they have conducted at least one hundred preliminary interviews from this pool. This was an issue that was raised by the General Assembly and which the Commissioner and I discussed enumerable times. A year ago the General Assembly used as an argument the fact that the Department was not geared up and ready to hire people and if they gave them the money they couldn't put the people to work. The Commissioner assured me that she in her fight with the Legislature when this issue was raised, she specifically pointed out to them that the Department was ready and able to train the people and put them into the training process on July 1st.

There is a training academy which is located here in Bridgeport. It's very well staffed. It is professionally staffed. I have been there myself any number of times and sat through the classes. I have addressed graduates of the training process. To come in now before Your Honor and say we cannot hire these people is contrary to everything that's been reported to me as monitor. I have been assured that there are at least a hundred people who could begin the process almost immediately, and in fact we were told at my hearings that that process was under way.

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	:	Civil No. H-89-859
v.	:	(AHN)
WILLIAM O'NEILL, *et al.*,	:	Honorable Alan H. Nevas

Monitor's Certification of Issues and Recommendations

June 15, 1993

* * *

Monitor's Report

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Monitor's Findings

1. DCYS Alternative Hiring Plan

During the course of the Monitor's compliance meeting on this matter, the Department formally offered a hiring plan which, if approved, would provide 115 additional social workers in SFY 93-94. Funding of this plan would be provided by internal transfers of funds within the Department

and would require the Finance Advisory Committee's (FAC) approval. The specific funding sources are:

• SYF93 carry forward of:	$1,110,000
• SFY94 equipment reallocation of:	303,000
• Savings from turnover, overtime and other personnel:	1,000,000
• Other savings:	672,000
TOTAL:	$3,085,000

The Department is to be commended for developing an alternative hiring plan to ameliorate the affect of the budgetary and staffing reductions imposed by the General Assembly. However, adequate funding of all 115 positions is questionable and raises serious issues of deficit financing. Even if the entire funding proposal were approved and the 115 additional staff were hired between August, 1993 and June, 1994, **the Department would still have 58 fewer social workers at the end of SFY 94 than are required by the Consent Decree for July 1, 1994.**

In addition the alternative hiring plan does not address the continuation of any positions established in this *ad hoc* manner since they are not presently included in the SFY 94-95 budget. As the Deputy Secretary of the Office of Policy and Management testified during the compliance meeting, it is unclear how binding the SFY 94-95 budget will be because this is the first biennial budget adopted since the General Assembly began meeting on an annual basis.

Commendable as this effort by the Department may be, the results of the DCYS hiring plan, by the Defendant's own admission, do not resolve the staffing deficiency in any permanent or substantive manner. Thus, the alternative hiring plan does not achieve full compliance or a level of staffing that could be described as "substantial compliance," and therefore, should not be considered by the Court.

2. DCYS Staffing and Caseload Reduction

* * *

As part of the budgetary process submitted through the Office of Policy and Management and the Governor's Office to the General Assembly, the Department of Children and Youth Services and the Governor requested funding in the amount of $11,894,424 to hire additional social workers and social work supervisory and support staff necessary to meet Consent Decree mandates during SFY 93-94. The approved budget provided $3,104,932 for this purpose, or **$8,789,492 less than required**. The staffing required and provided are detailed in the pages which follow. DCYS requested 290 social worker positions in its budget request for SY1994, 145 to be hired on July 1, 1993 and 145 to be hired on January 1, 1994. The approved budget gave the DCYS 30 social worker positions on August 1, 1993 and 65 social worker positions on February 1, 1994, for a total of 95 in SY1994.

* * *

A social worker hired on August 1, 1993 will not be able to handle a full caseload until January of 1994; and if a social worker is hired on February 1, 1994 a full caseload cannot be handled until July 1994 at the earliest.

In each of these instances, the additional social workers will have little or no effect on caseload reduction for six months after their employment because of the mandated training period during which they are allowed to handle only minimal caseloads.

* * *

In summary, the Department of Children and Youth Services has approved funding to hire an additional 95 social workers and 67 additional social work supervisory and support staff as of July 1, 1994. This staffing would leave the

Department **with 173 fewer social workers and 133 fewer social work supervisory and support staff than are necessary to meet the Consent Decree requirements of July 1, 1994**.

It is indisputable that at the beginning of the SY1993-1994 the existing caseload standards are totally unacceptable. Even with the addition of the ninety-five (95) social workers and sixty-seven (67) additional social work supervisory and support staff authorized during SFY 1993-1994, the Department will not reach a social worker staffing level sufficient to meet Consent Decree caseload standards by July 1, 1994 as required.